

PATENT

Application No. 09/221,250
Attorney Docket No.: 98-057**R E M A R K S**

Claims 1-181 are pending.

New claims 180 and 181 having been added in this paper.

Claims 1-179 stand rejected and are now presented for reconsideration in view of the following remarks.

Section 112 Rejections

Claims 27-40 were "rejected under 35 USC §112, second paragraph" as allegedly "failing to set forth the subject matter which applicant(s) regard as their invention". In explaining this rejection, the Examiner referred to a limitation in claim 27 regarding "*information to be transmitted by the user to the central server at approximately a start of the shift*". The Examiner was of the view that the specification called for the information to be transmitted from the central server to the user at the start of the shift. However, to the contrary, it is believed that claim 27 properly recites subject matter contained in the specification, with respect to a sequence of events in which a monitoring shift is arranged ahead of time, and information relating to a monitoring task is provided to the user in advance of the shift, and the information is later to be transmitted by the user back to the central server at the start of the shift. In this regard, the Examiner's attention is respectfully directed to a passage beginning at page 14, line 19 of the specification and reading as follows:

It is to be understood that often it may be impractical for the user to remain in communication with the central server 200 until the start time of the shift (e.g., the user may be logged on in the early morning and the assigned shift does not begin until mid-afternoon). In such instances, the user may log off after receiving the task identifier and shift, and then log onto central server 200 at a time closer to the start of the shift. When logging back on, the user preferably provides the user identifier, task identifier and shift to assist central server 200 in identifying which remote monitoring task in session status database 245 the user is logging on to perform.... (Emphasis added)

In view of the above excerpt from the specification, it is respectfully submitted that claim 27 is entirely consistent with the subject matter set forth in the specification. It is

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therefore requested that the rejection of claims 27-40 under 35 USC §112, second paragraph, be reconsidered and withdrawn.

Section 103 rejections

Claims 1-179 were "rejected under 35 USC §103(a) as being unpatentable" over an asserted combination of the Acosta and Von Kohorn references.

The Acosta system allows for distribution of video surveillance images via the Internet to user computers.

The Von Kohorn reference discloses a system in which viewers at home are allowed to participate in broadcast television programs by, e.g., responding to questions, wagering on events on the television program, or predicting events in the television program. Home participants may receive cash awards for successful participation.

Claim 1.

Claim 1 includes a limitation of "*crediting value to the user in accordance with an amount of time the user device has been in communication with the sensor for remote monitoring purposes*". Neither of the references relied upon by the Examiner teaches or suggests this limitation. Acosta et al., as the Examiner has recognized, is silent as to compensation for users of the system described therein. On the other hand, in Von Kohorn's system, users may be compensated for successful participation, such as winning wagers, or correctly responding to questions. However, Von Kohorn does not disclose paying viewers merely to watch television programs. Thus, applicants respectfully traverse the Examiner's assertion that in Von Kohorn's system users are credited "for watching certain video events". Von Kohorn's system does not pay users for watching. In the passage at column 72, lines 45-55, cited by the Examiner, there is disclosure of betting on a televised event, but there is no mention of rewarding a user for watching the event. Accordingly, it is respectfully submitted that claim 1 is patentably distinguished from the asserted combination of Acosta and Von Kohorn, by virtue of its recitation of "crediting value to the user in accordance with an amount of time" that a user device has been in communication with a sensor for remote monitoring purposes.

Claims 2 – 26.

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Claims 2-26 are directly or indirectly dependent on claim 1, and are submitted as patentable on the same basis as claim 1.

Claim 5.

In addition, claim 5 recites the further limitation of "determining a shift for monitoring the remote location". In regard to this limitation the Examiner has cited a passage at column 26, lines 15-25 of the Acosta reference. However, this passage only discloses a user database and does not disclose determining a shift. Accordingly, claim 5 is submitted as patentable on the additional basis of its recitation of "determining a shift", which limitation is not disclosed or suggested by the references relied upon by the Examiner.

Claim 7.

Claim 7 adds the further limitation that "an identity of the remote location is not communicated to the user" (emphasis added). This feature is not suggested or disclosed by the references. In regard to this feature the Examiner cited a passage at column 26, lines 55-65 of Acosta. However, this passage is only concerned with permission levels for users and by implication with denying access to camera output when a user lacks the required permission level. This is different from withholding from the user the identity of the monitored location, as recited in claim 7. Accordingly, claim 7 is submitted as patentable on this additional ground.

Claim 23.

Still further, claim 23 adds the further limitations of "receiving from the user device notification of an emergency at the remote location" and "contacting a third party in response to the received notification".

It is noted that the references lack disclosure of the step of receiving notification of an emergency from a user device. The cited passages in Acosta (column 7, lines 40-60 and column 9, lines 35-45) are concerned with transmitting camera output to a central office and with data transmission protocols. Nothing in those passages is concerned with notification of an emergency from a user device. Claim 23 is accordingly submitted as being patentable on this additional ground.

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Claim 25 adds the further limitations of "determining a pay rate" and "crediting value to the user in accordance with the pay rate". There is nothing in the references in regard to crediting a value to a user in accordance with a pay rate. The passage in Acosta cited by the Examiner (column 14, lines 60-65) merely refers to costs for operating a camera. This has nothing to do with crediting value to a user. Claim 25 is accordingly submitted as being patentable on this additional ground.

Claim 26.

Claim 26 recites the further limitations of "receiving from the user device notification of an emergency at the remote location" and that the step of crediting value to the user "includes paying a bonus for each legitimate emergency detected by the user".

There is nothing in the references regarding receiving notification of an emergency from a user device, nor with paying a bonus to a user for detecting an emergency. The passage in the Von Kohorn reference cited by the Examiner (column 72, lines 45-55) merely discusses wagering on a televised event. There is nothing in this passage regarding detecting an emergency or paying a bonus for detecting an emergency. Accordingly, claim 26 is submitted as patentable on this additional ground.

Claim 27.

Claim 27 is the next independent claim, and is directed to a "method for a central server to manage remote monitoring tasks". The steps recited in claim 27 are "assigning to a user of a data network a remote monitoring task including a remote location to monitor and a shift for monitoring the remote location" and "providing the user with information relating to the remote monitoring task". It is further recited in claim 27 that the information is "to be transmitted by the user to the central server at approximately a start of the shift".

The Examiner has not cited any portion of the Acosta and Von Kohorn references that has anything to do with a shift for monitoring a remote location nor with assigning such a shift to a user. The passage in Acosta cited by the Examiner (column 26, lines 40-49) only discloses tracking what users are logged into the system and tracking their activity. There is nothing in this passage about assigning shifts to monitor remote locations. There is also nothing

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in the passages cited by the Examiner in regard to providing to a user information relating to a monitoring task. The passage in the Acosta reference cited by the Examiner (column 7, lines 30-40) is only concerned with transmitting camera data to a central office. There is nothing in that passage about providing to a user information regarding a monitoring task. There is also nothing in the references to teach or suggest that the information is to be transmitted to the central server from the user at the start of a shift. In short, the references fail to teach or suggest pre-assigning a shift for a remote monitoring task, as recited in claim 27. Claim 27 is accordingly submitted as being patentable over the references relied upon by the Examiner.

Claims 28 – 40.

Claims 28-40 are directly or indirectly dependent on claim 27 and are submitted as patentable on the same basis as claim 27.

Claim 37.

Furthermore, claim 37 recites the further limitations of "determining an emergency procedure to be followed by the user in the event the user detects an emergency at the remote location" and "transmitting the emergency procedure to the user". There is nothing in the passages cited by the Examiner in regard to the claim limitation of "determining an emergency procedure". As noted above in connection with claim 23, the passages cited by the Examiner in regard to claim 37 (Acosta: column 7, lines 40-60 and column 9, lines 35-45) only have to do with transmitting camera output to a central office and with data transmission protocols. There is nothing in these passages concerning determining an emergency procedure. Accordingly, claim 37 is submitted as patentable on this additional ground.

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Claim 40 recites the additional step of "reminding the user of the remote monitoring task prior to a start of the shift". There is no disclosure or suggestion concerning this additional claim limitation in the passages of the references cited by the Examiner. In particular, in the cited passage of Acosta (column 11, lines 20-25) an event-driven mode of operating a camera is referred to, but there is nothing about reminding a user of a remote monitoring task. Thus claim 40 is submitted as being patentable on this additional ground.

Claim 41.

Claim 41 is the next independent claim and is directed to a "method for a central server to manage remote monitoring tasks". Similarly to claim 1, claim 41 recites "crediting value" to a user "for monitoring a remote location in accordance with the amount of time" that the user "has monitored the remote location". As noted above in connection with claim 1, the passage in Von Kohorn at column 72, lines 45-55 discloses betting on a televised event, but does not teach or suggest rewarding users for watching the event. Nothing in Von Kohorn suggests compensating a user based on an amount of time that a user has monitored a televised program, much less making a payment for an amount of time that a user has monitored a remote location.

Claim 41 is accordingly submitted as patentable on the same basis as claim 1.

Claims 42 – 46.

Claims 42-46 are dependent on claim 41 and are submitted as patentable on the same basis as claim 41.

Claim 44.

Furthermore, claim 44 adds the limitation of "informing a user of the plurality of users that he is the only user monitoring the remote location". As explained in the specification, by, in effect, making the user believe that he is the only person monitoring the remote location, the user may be encouraged to be more attentive than he or she would otherwise be. There is nothing in the Acosta reference suggesting this feature. The passage cited by the Examiner at column 26, lines 15-25 of Acosta only discusses a database of users. Accordingly, claim 44 is submitted as patentable on this additional ground.

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Claim 45 adds the following additional limitations: "receiving notification of an emergency at the remote location from the first user of the plurality of users" and "contacting a third party if at least a predetermined amount of the plurality of users reports the emergency". As was noted above in connection with claim 23, the passages cited by the Examiner contain no suggestion or disclosure of receiving notification of an emergency from a user. The passages cited by the Examiner in regard to both claims 23 and 45 (namely column 7, lines 40-60 and column 9, lines 35-45 of Acosta) are related to transmitting camera output to a central office and data transmission protocols. To reiterate the point made in regard to claim 23, there is nothing in those passages regarding notification of an emergency from a user. Thus claim 45 is submitted as patentable on this additional ground.

Claim 47.

Claim 47 is the next independent claim, and is directed to a "method for a central server to manage remote monitoring tasks".

Claim 47, as now clarifyingly amended, recites the following steps: "receiving a request from a user of a user device to monitor a remote location in exchange for compensation to the user", "determining a remote location to be monitored", "enabling communication between a sensor of the remote location and the user device" and "measuring user attentiveness while the user device is in communication with the sensor".

As noted above in connection with claim 1, neither Acosta nor Von Kohorn discloses compensating a user just for monitoring a remote location. Acosta is silent as to compensation for users, and in Von Kohorn rewards are only provided for responses, not just for viewing programs.

Furthermore, Von Kohorn does not disclose "measuring attentiveness". The passage in Von Kohorn cited by the Examiner (column 67, line 65 to column 68, line 9) merely discusses using a telephone system to collect and dispense funds. There is nothing in this passage about measuring attentiveness.

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Accordingly, claim 47 is submitted as patentable by virtue of its recitation of receiving a request from a user to monitor a remote location in exchange for compensation to the user, and its further recitation of measuring user attentiveness.

Claims 48 – 67.

Claims 48-67 are directly or indirectly dependent on claim 47 and are submitted as patentable on the same basis as claim 47.

Claim 55.

In addition, claim 55, which is dependent on claim 54 (in turn dependent on claim 47), recites that a test communication transmitted to the user "is a predetermined video of an emergency". There is nothing in the passages cited by the Examiner concerning a test communication being a predetermined video of an emergency. The cited passages in Von Kohorn (column 71, lines 25-41 and column 82, lines 26-49) at best disclose a viewer responding to questions. The word "emergency", or any synonym or suggestion thereof, simply does not occur in any passage of Von Kohorn cited by the Examiner.

Claim 55 is therefore submitted as patentable on this additional ground.

Claim 60.

Claim 60 recites the additional limitation that the step of measuring user attentiveness includes "enabling a second user to monitor the user monitoring the remote location". Thus, claim 60 recites having one user monitor another. Nothing in the passages of the references cited by the Examiner discloses this limitation. The passage in Acosta cited in regard to claim 60 (namely column 31, lines 33-38), merely discusses a hierarchy of permission groups. There is nothing in this passage that teaches or suggests having one user monitor another.

Accordingly, claim 60 is submitted as patentable on this additional ground.

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Claim 68 is the next independent claim. It is noted that the Examiner has cited a passage in Von Kohorn at column 65, lines 20-30, in regard to claim 68. However, this passage only discloses mixing two video signals together, not preempting a program to display video data. There is nothing in this passage or in other passages cited by the Examiner in regard to preempting a program in response to a signal from a sensor. Indeed, no passage cited by the Examiner has anything to do with preempting a program. Accordingly, claim 68 is submitted as patentable over the references relied upon by the Examiner based on the recitation of a signal which causes a computer to preempt a program to display video data. Claims 69-71 are dependent on claim 68 and are submitted as patentable on the same basis as claim 68.

Claims 72 - 74.

Claim 72 is the next independent claim, and somewhat similarly to claim 68 recites a signal which causes a television set to preempt a television program to display video data from a camera at a remote location.

As noted in connection with claim 68, preemption of a program in response to a signal so that video data from a remote location is displayed instead of the program, is not disclosed or suggested by the passages in the references cited by the Examiner. Thus claim 72 is submitted as patentable on substantially the same basis as claim 68.

Claims 73 and 74 are dependent on claim 72 and are submitted as patentable on the same basis as claim 72.

Claims 75 - 86.

The next independent claim is claim 75. It is respectfully submitted that the passages in the references cited by the Examiner do not disclose the step of "receiving credit to a user account for monitoring the data stream" for an amount of time. As noted above in connection with claim 1, the Examiner recognizes that Acosta is silent as to user compensation. Moreover, Von Kohorn discloses rewarding successful participation, in terms of performing tasks such as responding to questions, but does not disclose paying viewers to watch television programs, and accordingly also fails to teach or suggest that a user account receives credit for

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monitoring a data stream for an amount of time. Thus claim 75 is submitted as patentable on substantially the same basis as claim 1.

Claims 76-86 are directly or indirectly dependent on claim 75, and are submitted as patentable on the same basis as claim 75.

Claims 87 - 90.

Claim 87, which is the next independent claim, is somewhat similar to claim 68, in that it recites preempting a computer program if a predetermined event is detected by a remote sensor. As discussed in connection with claim 68, the passages of Acosta and Von Kohorn cited by the Examiner are silent as to preempting a computer program. Thus claim 87 is submitted as patentable on substantially the same basis as claim 68.

Claims 88-90 are dependent on claim 87 and are submitted as patentable on the same basis as claim 87.

Claims 91 - 93.

Claim 91, in somewhat similar fashion to claim 72, recites preempting a television program to display video data from a camera at a remote location, with the preemption occurring in response to a signal. As discussed in connection with claim 72 (and claim 68) the portions of Acosta and Von Kohorn cited by the Examiner do not teach or suggest this limitation. Accordingly, claim 91 is submitted as patentable on substantially the same basis as claim 72.

Claims 92 and 93 are dependent on claim 91 and are submitted as patentable on the same basis as claim 91.

Claims 94 - 116.

Claim 94 is a system claim that is parallel to claim 1 and is submitted as patentable on the same basis as claim 1. Claims 95-116 are dependent on claim 94 and are submitted as patentable on the same basis as claim 94.

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Claim 117 is a system claim that is parallel to claim 27 and is submitted as being patentable on the same basis as claim 27. Claims 118-126 are dependent on claim 117 and are submitted as being patentable on the same basis as claim 117.

Claims 127 - 132.

Claim 127 is a system claim which, as now amended, is parallel to claim 41. Claim 127 is accordingly submitted as being patentable on the same basis as claim 41. Claims 128-132 are dependent on claim 127 and are submitted as patentable on the same basis as claim 127.

Claims 133 - 153.

Claim 133 is a system claim that is parallel to claim 47 and is submitted as patentable on the same basis as claim 47. Claims 134-153 are dependent on claim 133 and are submitted as patentable on the same basis as claim 133.

Claims 154 - 157

Claim 154 is a system claim that is parallel to claim 68 and is submitted as patentable on the same basis as claim 68. Claims 155-157 are dependent on claim 154 and are submitted as patentable on the same basis as claim 154.

Claims 158 - 167.

Claims 158, 161 and 165 all recite a program preemption feature which is more or less similar to the preemption feature of claim 68. Accordingly, claims 158, 161 and 165, and their dependent claims, are submitted as patentable for reasons given in connection with claim 68.

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Claim 168 is the next independent claim, and recites the same feature of "crediting value to the user in accordance with an amount of time the user device has been in communication with the sensor for remote monitoring purposes", as is recited in claim 1 and is believed to render both claims 1 and 168 patentable over the references relied upon by the Examiner. Claim 168 also recites the feature of "measuring user attentiveness" which, as noted in connection with claim 47, is not disclosed in the passages of Von Kohorn cited by the Examiner. Accordingly, claim 168 is submitted as patentable for reasons discussed in connection with claims 1 and 47.

Claims 169-173 are dependent on claim 168 and are submitted as patentable on the same basis as claim 168.

Claims 174 - 179.

Claim 174, as now amended, is a system claim that is parallel to claim 168 and is submitted as patentable on the same basis as claim 168. Dependent claims 175-179 are submitted as patentable on the same basis as claim 174.

New Dependent Claims 180 and 181

New claims 180 and 181 are respectively dependent on claims 1 and 94. Each of the new claims recites the limitation that "the user does not specify the remote location to be monitored by the user, and the central server selects the remote location to be monitored by the user". Each of these claims is submitted as being patentable on the same basis as the respective parent independent claim. In addition, each of claims 180 and 181 is believed to be patentable on the further ground that the references do not disclose or suggest the remote location to be monitored not being specified by the user and instead being selected by the central server.

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For the foregoing reasons it is submitted that all of the claims are now in condition for allowance and the Examiner's early re-examination and reconsideration are respectfully requested.

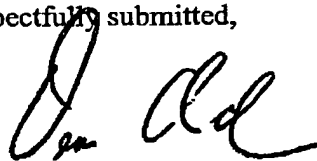
Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Dean Alderucci at telephone number 203-461-7337 or via electronic mail at Alderucci@WalkerDigital.com.

Petition for Extension of Time to Respond

Applicants hereby petition for a **two-month** extension of time with which to respond to the Office Action. Please charge \$200.00 for this petition to our Deposit Account No. 50-0271. Please charge any additional fees that may be required for this Response, or credit any overpayment to Deposit Account No. 50-0271.

If an extension of time is required, or if an additional extension of time is required in addition to that requested in a petition for an extension of time, please grant a petition for that extension of time which is required to make this Response timely, and please charge any fee for such extension to Deposit Account No. 50-0271.

Respectfully submitted,

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Date

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